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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,444	01/04/2001	Esther H. Chang	2444-101	3962

6449 7590 07/16/2002

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EXAMINER

NGUYEN, DAVE TRONG

ART UNIT PAPER NUMBER

1632

DATE MAILED: 07/16/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1632

The election with traverse of Group II claims and the species restriction in the response filed April 26, 2001 is acknowledged. However, applicant in the response has not elected the specifically name species of a "therapeutic agent which encodes a protein" or "a therapeutic agent which encodes an antisense oligonucleotide". Applicant attempted to elected the species of "a therapeutic nucleic acid", however no such election is required nor is the election the same as the required election of a "therapeutic agent which encodes a protein" or "a therapeutic agent which encodes an antisense oligonucleotide". Thus, the response lacking the election of the restricted species is non-responsive.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE **within the statutory period as indicated in the previous restriction.** The time period of the restriction letter has expired 3 months from the mailing date (March 26, 2002) of the restriction letter of record.

Any inquiry concerning this communication or earlier communications regarding the formalities should be directed to Patent Analyst Dianiece Jacobs, whose telephone number is **(703) 305-3388.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Dave Nguyen* whose telephone number is **(703) 305-2024.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Deborah Reynolds*, may be reached at **(703) 305-4051.**

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in

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the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is **(703) 305-7401**.

Any inquiry of a general nature or relating to the status of this application should be directed to the *Group receptionist* whose telephone number is **(703) 308-0196**.

Dave Nguyen
Primary Examiner
Art Unit: 1632


**DAVE T. NGUYEN
PRIMARY EXAMINER**